IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A.No. 495 of 2000

DATE OF DECISION: APRIL 16, 2007

Nishan Singh and others

...APPELLANTS

VERSUS

Samma Singh (dead) now represented through
L.Rs.Nishan Singh and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sandeep Punchhi, Advocate,
for the appellants.

...

This Regular Second Appeal has been filed by Nishan Singh son of Sahib Singh, Piara Singh, Smt.Mahla Bibi, Surinderjit Kaur and Janak Rani against the judgment and decree passed by the first Appellate Court whereby the suit of the plaintiffs for declaration that they are owners in possession of the land situated in two villages owned by Sama Singh, defendant, has been dismissed.

Sama Singh, defendant, is father of Sahib Singh, Piara Singh and Makhan Singh. It is the case of the plaintiffs that in a family settlement, the said land was given by defendant Sama Singh to all the three sons in equal shares. Initially, the admitted written statement was filed by Sama Singh, but subsequently he filed an application alleging therein that he did not want to relinquish all the property in favour of his sons/grandsons. The trial court decreed the suit. However, the Appellate Court taking into consideration the objections filed by the defendant regarding relinquishment of his share and the fact that the said decree was not registered one,

dismissed the suit of the plaintiffs. During the pendency of the appeal, Sama Singh expired.

Counsel for the appellants could not dispute that after the death of Sama Singh, all the three sons, including the father of the plaintiffs have inherited the property of Sama Singh by virtue of natural succession. In view of the said fact, the relief sought in this appeal has become infructuous.

Dismissed.

April 16, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE